

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF: De-Chao YU, et al.

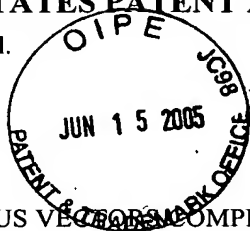
GROUP ART UNIT: 1636

DOCKET NO. 3802-126-27 CONT

SERIAL NO: 10/691,045

FILED: October 21, 2003

FOR: CELL-SPECIFIC ADENOVIRUS VECTOR COMPRISING AN INTERNAL RIBOSOME ENTRY SITE



EXAMINER: Maria Marvich

TERMINAL DISCLAIMER

ASSISTANT COMMISSIONER FOR PATENTS
PO BOX 1450
ALEXANDRIA, VA 22313-1450

SIR:

Now comes the undersigned, Attorney of Record in the present application, who avers as follows:

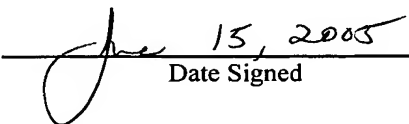
Cell Genesys, Inc. is the owner of the entire right, title and interest in and to the invention claimed and disclosed in the above-captioned patent application by virtue of assignment.

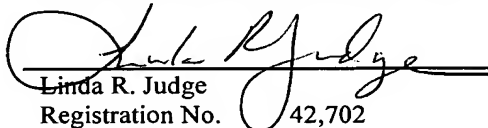
Cell Genesys, Inc. hereby disclaims the terminal part of any patent granted on the above-captioned application, which would extend beyond the expiration date of the full statutory term as presently shortened by any terminal disclaimer of Patent No. 6,692,736, and hereby agrees that any patent so granted on said above-captioned application shall be enforceable only for and during such period that the legal title to said patent shall be the same as the legal title to United States Patent No. 6,692,736, this agreement to run with any patent granted on the above-captioned application and to be binding upon the grantee, its successors or assigns.

Cell Genesys, Inc. does not disclaim any terminal part of any patent granted on the above-captioned application that would extend to the full statutory term as presently shortened by any terminal disclaimer of Patent No. 6,692,736 in the event that it later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. 1.321(a), has all claims canceled by a reexamination certificate, or is otherwise terminated prior to the expiration of its statutory term as presently shortened by any terminal disclaimer, except for the separation of legal title stated above.

Respectfully Submitted,

DLA PIPER RUDNICK GRAY CARY US LLP


Date Signed


Linda R. Judge
Registration No. 42,702

1200 Nineteenth Street, N.W.
Washington, D.C. 20036-2412
Telephone No. (202) 861-3900
Facsimile No. (202) 223-2085

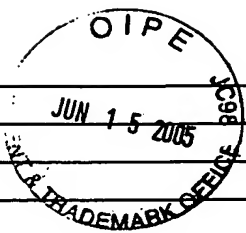
06/16/2005 SDENBOB1 00000082 10691045

01 FC:2814

65.00 OP

FEE TRANSMITTAL FY 2005

Docket No.	3802-126-27 CONT
Serial No.	10/691,045
Filing Date	October 21, 2003
Inventor(s)	De-Chao YU, et al.
Group Art Unit	1636
Examiner	Maria Marvich



TOTAL AMOUNT OF PAYMENT	\$65.00
-------------------------	---------

1. ☒ Applicant claims small entity status.

☐ Charge any UNDERPAYMENT or credit any OVERPAYMENT in the indicated fees to Deposit Account No. 50-1442.

☐ Charge the indicated fees to Deposit Account No. 50-1442.

FEE CALCULATION (continued)

3. ADDITIONAL FEES

Large Entity		Small Entity		Fee Description		Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)			
1051	130	2051	65	Surcharge-late filing fee or oath		
1053	130	1053	130	Non-English Specification		
1251	120	2251	60	1-mo. ext. of time		
1252	450	2252	225	2-mo. ext. of time		
1253	1020	2253	510	3-mo. ext. of time		
1254	1590	2254	795	4-mo. ext. of time		
1255	2160	2255	1080	5-mo. ext. of time		
1401	500	2401	250	Notice of Appeal		
1402	500	2402	250	Appeal Brief		
1403	1000	2403	500	Request for Oral		
1501	1400	2501	700	Utility/Reissue Issue		
1504	300	1504	300	Publication Fee		
8001	3	8001	3	Advance Copy of Patent		
1806	180	1806	180	IDS Submission		
8021	40	8021	40	Assignment Recordation		
1801	790	2801	395	For Filing RCE		
1814	130	2814	65	Terminal Disclaimer		65.00

1. BASIC FILING FEE

Large Entity		Small Entity		Fee Description		Fee Paid
Code	Fee \$	Code	Fee \$			
1011	300	2011	150	Utility Filing Fee		
1012	200	2012	100	Design Filing Fee		
1013	200	2013	100	Plant Filing Fee		
1014	300	2014	150	Reissue Filing Fee		
1005	200	2005	100	Provisional Filing Fee		
1111	500	2111	250	Utility Search Fees		
1311	200	2311	100	Utility Examination Fees		
SUBTOTAL					\$0.00	

2. EXTRA CLAIM FEES

tot. claims	28	-	58*	=	0	x	\$25	=	0
ind. claims	2	-	3*	=	0	x	\$100	=	0
<input type="checkbox"/> Multiple Dependent Claims							\$180	=	
SUBTOTAL							0		

3. APPLICATION SIZE FEES

Total # of Sheets				# of Extra Sheets						
	-	100	=	0						
# of each additional 50 sheets or fraction thereof (round up)	Fee			Total Fee Due	SUBTOTAL					65
	x	\$125	=	0						

Name	Linda R. Judge	Registration No.	42,702	
Signature		Date	6/15/05	Telephone
Name		Registration No.		